

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 19, 2011 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Emery, Eskridge, Hornung; Deputy City Clerk, Teresa J. Meier.

Council Chair Carroll announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

EMERY Having been appointed to read the minutes of the City Council proceedings of September 12, 2011 reported having done so, found same correct.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of August 2011 to Equipment Operator, Timothy Garrison, of the Parks and Recreation Department. An employee since 1978, Garrison was nominated by Southeast District Park Supervisor, Matt Mittelstadt, in the categories of Customer Relations, Loss Prevention and Productivity. During 15 months of Mittelstadt's military commitments, Garrison assumed many duties for that period showing his planning and coordination skills with budget preparation and management of the Southeast District. Mayor Beutler said after Mittelstadt's return, Garrison oversaw mowing operations, implemented a new mowing program and maintained a consistent mowing cycle all while dealing with the demands of existing and new employees. He provided a safe work environment and conducted hands-on training sessions for new workers, reducing mowing incidents and equipment repair in the Southeast District to an all-time low. Mittelstadt also reported that Garrison handled phone calls and dealt with concerned citizens on site visits with courtesy, consideration and professionalism.

Jerry Shorney, Parks & Recreation Director, came forward to state that in the 30 years he has worked with Timothy Garrison, he has witnessed his quiet leadership, his open-mindedness, fair treatment, community respect, dedication and loyalty.

Lynn Johnson, Parks & Recreation Director, came forward to express appreciation to Matt Mittelstadt for nominating Timothy Garrison for a well-deserved award. He said without Garrison's significant, full-time leadership, the Parks & Recreation Department could not be as productive as it is.

Timothy Garrison came forward to graciously accept his award.

Council Chair Carroll thanked Garrison for his services to the City of Lincoln.

PUBLIC HEARING

AMENDING CHAPTER 14.56 OF THE LINCOLN MUNICIPAL CODE RELATING TO WORKS OF ART BY AMENDING SECTION 14.56.030 TO RESERVE THE RIGHT TO DETERMINE THE APPROPRIATENESS OF PLACING ART WORK ON CITY OWNED PROPERTY; AMENDING SECTION 14.56.040 TO CHANGE THE APPROVAL PROCESS FOR PLACEMENT OF ART WORK ON CITY OWNED PROPERTY; AMENDING SECTION 14.56.070 TO AUTHORIZE THE DIRECTOR OF PARKS AND RECREATION TO SUPERVISE INSTALLATION AND MAINTENANCE OF ART WORK ON CITY OWNED PROPERTY OUTSIDE OF STREET RIGHT-OF-WAY; AMENDING SECTION 14.56.090 TO MOVE THE AUTHORITY TO SUSPEND OR REVOKE A LICENSE AGREEMENT FROM THE CITY COUNCIL TO THE MAYOR; AMENDING SECTION 14.56.100 TO CHANGE INSURANCE REQUIREMENTS; AMENDING SECTION 14.56.110 TO CHANGE THE LENGTH OF LICENSE AGREEMENTS; AMENDING SECTION 14.56.120 TO CHANGE THE APPLICATION FEE; ADDING A NEW SECTION NUMBERED 14.56.130 TO REQUIRE THE MAYOR TO DEVELOP ONE OR MORE MASTER PLANS FOR ART WORK ON CITY OWNED PROPERTY; ADDING A NEW SECTION NUMBERED 14.56.140 TO CALL FOR APPROVAL OF PUBLIC ART MASTER PLANS BY THE CITY COUNCIL; AND ADDING A NEW SECTION NUMBERED 14.56.150 TO PROVIDE FOR REVIEW OF MASTER PLANS - Chris Connolly, Assistant City Attorney, came forward to discuss increased interest in art and his process in forming the legal structure for an art program in the City of Lincoln. He said after studying structures in six different cities, two universal principles were perceived: 1) that no model

template exists; and 2) that elected officials do not like to make art decisions. He said the structure's centerpiece is a private committee known as the Lincoln Public Art Committee. While the committee is not a separate legal entity, non-profit, or LLC, it is part of Lincoln Community Foundation called a donor-assisted fund. Mr. Connolly explained it further as an account with a balance of money and management by the Foundation. He said the committee will make decisions on spending, advise & assist the City in art decisions and be involved in master planning. He said a City committee appointed by the Mayor -- including a member of City Council -- will serve as a screening process for the work done by the private side. He clarified that the license agreement would be negotiated by the Director of Parks & Recreation. The Mayor will handle development of one or more of the master plans to be brought forward to the City Council for approval or rejection. Once approved, Council can request that a new plan or plans be brought forth every two years and the Mayor may review once every four years. He assured Council that it will have some input as it pertains to offensive art and if problems arise, Council can request that the Mayor revoke a license. He said the program is designed & driven to have art projects paid for by private monies, not just for acquisition but also for maintenance. The major role of the City is have final veto power. Mr. Connolly explained that many ownership possibilities will remain open. In response to Council questions about financial impacts and safety, Mr. Connolly said private committee members will include department heads from Planning, Building & Safety, Public Works and Urban Development.

Sue Quambusch, 1145 Crestdale Rd., came forward as Chairman of the Board of the Lincoln Community Foundation to relay a message from Barbara Bartle, Board President expressing appreciation and reporting that a donor-advised fund will allow acceptance of contributions from anyone. She said the fund will be flexible and provide private dollars to help with planning, or to lease pieces of art for public display or to commission unique pieces suitable for our community. Ms. Quambusch said the Foundation will rely on the Public Arts Committee for its advice on how the fund can best be used to contribute to the quality of life in Lincoln to the wider presentation of art for the whole community.

Steve Wake, 5555 A St., came forward identifying himself as Co-Chair with Robert Duncan on the Public Art Committee formed by the Mayor on the private side. He clarified current structure of the committee revealing that there are nine permanent members of the committee and 12 term members serving from 1-3 years. He said the goal of the permanent and term members is to form a cohesive structure to plan/promote/place works of art throughout the City of Lincoln. The Master Plan Task Force, co-chaired by David Landis & Joe Ruffo, is charged with developing a master plan for locations for public art in Lincoln for submission to the City. He clarified committee structures and duties. Mr. Wake said an improved public art program can attract interest from within the nation as well as internationally. It can be an engine for economic development.

Debra Weber, 6100 Vine St., #H47, Executive Director of the Lincoln Arts Council, came forward to state that a strong public art program is very vital for economic benefit. The master plan will attract local, national and international artists drawing visitors to the community. She said knowledge gained from the 2005 Economic Impact Study revealed that outside visitors spent three times as much money as local residents. Ms. Weber said when a foundation structure is in place, funding is easier to obtain.

Lynn Johnson, Director of Parks & Recreation, came forward to answer questions. He clarified details regarding tracking agreements, insurance requirements and recording an inventory of all public art that is out there in a coordinated database. He said a master plan will focus attention on quality over quantity in a correct location.

This matter was taken under advisement.

CHANGE OF ZONE 11026 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY ADDING A NEW SECTION NUMBERED 27.03.225 TO ADD THE DEFINITION OF "FARM WINERY"; AMENDING SECTION 27.07.040 TO ALLOW FARM WINERIES AS A PERMITTED SPECIAL USE IN THE AG AGRICULTURE DISTRICT; AMENDING SECTION 27.63.680 TO ALLOW A FARM WINERY OPERATING UNDER A PERMITTED SPECIAL USE TO BE LOCATED WITHIN 100 FEET OF A RESIDENTIAL DISTRICT; AMENDING SECTION 27.63.685 TO PROVIDE THAT A SPECIAL PERMIT OR AMENDMENT THERETO SHALL NOT BE REQUIRED FOR INTERIOR EXPANSIONS OF AN EXISTING LICENSED FARM WINERY; AND ADDING A NEW SECTION NUMBERED 27.63.810 TO PROVIDE CONDITIONS FOR GRANTING A SPECIAL PERMIT TO ALLOW A FARM WINERY IN THE AG AGRICULTURE DISTRICT - Darrell Stock, 1115 K St., #104, came forward as the attorney for Ben and Nancy Sand who are the the applicants seeking to operate a farm winery.

Marvin Krout, Director of Planning, came forward to answer Council questions about the 100 ft. distance and judgment on a case by case basis.

This matter was taken under advisement.

CHANGE OF ZONE 11030 - APPLICATION OF BRAD ALDERMAN, DDS, FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON APPROXIMATELY 3.6 ACRES GENERALLY LOCATED AT WEST A STREET AND U.S. HIGHWAY 77 - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward on behalf of the dentist, Dr. Brad Alderman, who feels the site is appropriate for office & medical uses.

This matter was taken under advisement.

MISC. NO. 11004 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE, THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.060 TO PROVIDE THAT THE PLANNING DIRECTOR SHALL WITHIN TEN (10) DAYS FOLLOWING RECEIPT OF ALL REQUIRED CITY DEPARTMENT APPROVALS OR REPORTS NOTIFY THE SUBDIVIDER OF APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL OF A FINAL PLAT; AMENDING SECTION 26.19.010 TO ALLOW UTILITY PROVIDER RELEASE OF EASEMENT AND LIEN HOLDER CONSENT AND SUBORDINATION SIGNATURE BLOCKS AND ACKNOWLEDGMENTS TO BE ATTACHED TO FINAL PLATS ON SEPARATE 8 1/2" X 11" SHEETS; AND AMENDING SECTION 26.19.035 TO REVISE THE ADDITIONAL INFORMATION REQUIRED TO BE SUBMITTED WITH A FINAL PLAT - Marvin Krout, Director of Planning, came forward to state that his department continues to strive to streamline processes & simplify standards. He said final plats are now filed directly and a digital copy is available in two days. He also said final plat initial reviews have been reduced from 25 to 20 days.

This matter was taken under advisement.

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE FOR AMBULANCE SERVICE - Tom Casady, Public Safety Director, came forward to state the fee has gone up by 4.7%. He said the overall collection rate is a little over 50%. To reduce department costs, Mr. Casady said every intention will be made to re-mount current ambulances acquired through lease purchase. Steps have been taken at LFR to reduce on-hand inventory of medical supplies. Basic cost is personnel and Mr. Casady stated they are running an efficient system to provide ambulance care. John Huff, Interim Fire Chief, came forward to answer questions about cost efficiencies. He said the medical CPI has increased by 60%.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND LANCASTER COUNTY ON BEHALF OF THE LANCASTER COUNTY CORRECTIONS COMMUNITY SERVICE PROGRAM TO CONDUCT ROADSIDE LITTER PICKUP ALONG COUNTY ROADS BY INMATES - Judy Halstead, Director of Lincoln-Lancaster County Health Dept., came forward to answer questions about the program which is in its 10th year. She said these are funds secured from a Nebraska Department of Environmental Quality grant to Keep Lincoln-Lancaster County Beautiful Program.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR CONSTRUCTION OF TURN LANES ON HOLDREGE STREET AT 95TH STREET - Randy Hoskins, Asst. City Engineer, came forward to clarify improvements on a portion of Holdrege near 95th Street which is in the county right now. He said construction will provide an access in to/out of Waterford Estates from the north which will help relieve problems of traffic cutting through Sunrise Estates Development.

This matter was taken under advisement.

SPECIAL PERMIT 1174H - APPLICATION OF CHATEAU DEVELOPMENT LLC TO EXPAND THE BOUNDARY OF THE EXISTING CHATEAU COMMUNITY UNIT PLAN TO ADD APPROXIMATELY 1.41 ACRES OF R-2 ZONED PROPERTY TO THE NORTH AND TO ADD EIGHT UNITS TO THE EXISTING TOTAL OF 1,294 APPROVED DWELLING UNITS ON PROPERTY GENERALLY LOCATED SOUTH OF NORTH 63RD STREET AND HOLDREGE STREET - Mark Hunzeker, Baylor Evnen, 600 Wells Fargo Center, 1248 O St., came forward representing the applicant whose project is very consistent with the comprehensive plan vision of increasing density within the existing urban area by the following: 1) using available land; 2) efficiently using infrastructure; and 3) providing housing choices compatible with existing development. He said the actual number of units existing on the site today is 866, which includes 95 elderly units. Because the NRD is taking land for a project on Dead Mans Run, 90 authorized units will not be built. Mr. Hunzeker said upon review, the site plan has been revised to eliminate an access and curb cut onto North 63rd Street. He also clarified that when the existing building at 1200 Berkshire Court needs repainting, it will be changed to a compatible color scheme.

Corrine Neel, 6310 Dudley St., came forward in appreciation for the North 63rd St. access revision. Ms. Neel's other concerns were to request that Chateau Development provide a better color scheme for a mismatched building in her neighborhood and also that a particular parking issue be resolved.

Council Member Emery informed Ms. Neel that the separate parking issue was still being worked on.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE CITY OF LINCOLN'S APPLICATION TO THE STATE OF NEBRASKA GAME AND PARKS COMMISSION FOR FINANCIAL ASSISTANCE FROM THE RECREATIONAL TRAILS PROGRAM FOR REPLACING A PORTION OF THE HIKER/BIKER TRAIL IN PIONEERS PARK FROM THE EAST ENTRANCE OF THE PARK AT CODDINGTON AVE. TO THE NORTH ROAD IN THE PARK NEAR THE SLED RUN - Terry Genrich, Parks & Recreation Natural Resources & Greenways Manager, came forward to state this was one of the few grants that could be applied to for internal trail projects. He expressed appreciation to the Great Plains Trails Network for providing some of the funds for the grant.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING NATE SANKS TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2014 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86497 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Nate Sanks to the Water Conditioning Board of Examiners for a three-year term expiring September 4, 2014, is hereby approved.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

REAPPOINTING MATT MORRISSEY TO THE EXAMINING BOARD OF PLUMBERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2014 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86498 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Matt Morrissey to the Examining Board of Plumbers for a three-year term expiring September 4, 2014, is hereby approved.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

REAPPOINTING MATT MORRISSEY TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2014 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86499 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Matt Morrissey to the Water Conditioning Board of Examiners for a three-year term expiring September 4, 2014, is hereby approved.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

APPROVING THE APPOINTMENT OF FRED HOKE AS DIRECTOR OF THE BUILDING AND SAFETY DEPARTMENT EFFECTIVE SEPTEMBER 19, 2011 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86500 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Fred Hoke to the position of Director of the Building and Safety Department effective September 19, 2011 is hereby approved.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

REPORT FROM THE CITY TREASURER OF FRANCHISE TAX FOR THE PERIOD ENDING JUNE 30, 2011 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTHS OF APRIL, MAY, JUNE AND JULY, 2011 FROM BLACK HILLS/NEBRASKA GAS UTILITY CO., LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR 4TH QUARTER 2010: NEBRASKA TECHNOLOGY & TELECOMM.; 1ST QUARTER 2011: WINDSTREAM, TWC DIGITAL PHONE; MARCH 2011: CHARTER FIBERLINK - NEBRASKA, LLC; APRIL 2011: ACN COMM. SERVICES, AT&T COMM. OF MIDWEST, BUDGET PREPAY, CHARTER FIBERLINK - NEBRASKA, LLC, 8X8, INC., GRANITE TELECOMM., LEVEL 3 COMM., NEBRASKA TECHNOLOGY & TELECOMM., QWEST COMM., TWC DIGITAL PHONE, VONAGE AMERICA; MAY 2011: ACN COMM. SERVICES, AT&T COMM. OF MIDWEST, BUDGET PREPAY, CHARTER FIBERLINK - NEBRASKA, LLC, 8X8, INC., GRANITE TELECOMM., INETWORKS GROUP, LEVEL 3 COMM., QWEST COMM., TWC DIGITAL PHONE, LLC, VONAGE AMERICA; 2ND QUARTER 2011: ACN COMM. SERVICES, AIRESRING, INC., GLOBALINX, TWC DIGITAL PHONE, LLC, WINDSTREAM; JUNE 2011: ACN COMM. SERVICES, AT&T COMM. OF MIDWEST, BUDGET PREPAY, CHARTER FIBERLINK - NEBRASKA, LLC, 8X8, INC., GRANITE TELECOMM., INETWORKS GROUP, LEVEL 3 COMM., QWEST COMM., TWC DIGITAL PHONE, LLC, VONAGE AMERICA; JULY 2011: ACN COMM. SERVICES, AT&T COMM. OF MIDWEST, BUDGET PREPAY, 8X8, INC., GRANITE TELECOMM., INETWORKS GROUP, LEVEL 3 COMM., QWEST COMM., TWC DIGITAL PHONE, VONAGE AMERICA; AUGUST 2011: NEBRASKA TECHNOLOGY & TELECOMM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF SETTLEMENT OF NON TORT CLAIMS - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO CREATE A WATER DISTRICT ON PROPERTY LOCATED AT 2908 SW 6TH STREET SUBMITTED BY JOSEPH & ELAINE EGNER - CLERK presented said petition which was referred to the Public Works Dept. on September 14, 2011.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Amendment No. 11047 to Use Permit No. 89C approved by the Planning Director on September 7, 2011 requested by Olsson Associates to revise the note on the land use table regarding the allocation of retail, service and office uses on property generally located at S. 16th St. and Pine Lake Rd.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS - NONE

ORDINANCE - 2ND READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 14.56 OF THE LINCOLN MUNICIPAL CODE RELATING TO WORKS OF ART BY AMENDING SECTION 14.56.030 TO RESERVE THE RIGHT TO DETERMINE THE APPROPRIATENESS OF PLACING ART WORK ON CITY OWNED PROPERTY; AMENDING SECTION 14.56.040 TO CHANGE THE APPROVAL PROCESS FOR PLACEMENT OF ART WORK ON CITY OWNED PROPERTY; AMENDING SECTION 14.56.070 TO AUTHORIZE THE DIRECTOR OF PARKS AND RECREATION TO SUPERVISE INSTALLATION AND MAINTENANCE OF ART WORK ON CITY OWNED PROPERTY OUTSIDE OF STREET RIGHT-OF-WAY; AMENDING SECTION 14.56.090 TO MOVE THE AUTHORITY TO SUSPEND OR REVOKE A LICENSE AGREEMENT FROM THE CITY COUNCIL TO THE MAYOR; AMENDING SECTION 14.56.100 TO CHANGE INSURANCE REQUIREMENTS; AMENDING SECTION 14.56.110 TO CHANGE THE LENGTH OF LICENSE AGREEMENTS; AMENDING SECTION 14.56.120 TO CHANGE THE APPLICATION FEE; ADDING A NEW SECTION NUMBERED 14.56.130 TO REQUIRE THE MAYOR TO DEVELOP ONE OR MORE MASTER PLANS FOR ART WORK ON CITY OWNED PROPERTY; ADDING A NEW SECTION NUMBERED 14.56.140 TO CALL FOR APPROVAL OF PUBLIC ART MASTER PLANS BY THE CITY COUNCIL; AND ADDING A NEW SECTION NUMBERED 14.56.150 TO PROVIDE FOR REVIEW OF MASTER PLANS - Clerk read an ordinance, introduced by Adam Hornung, amending Chapter 14.56 of the Lincoln Municipal Code relating to Works of Art by amending Section 14.56.030 to reserve the right to determine the appropriateness of placing art work on City owned property; amending Sections 14.56.040 and 14.56.050 to change the approval process for placement of art work on City owned property; amending Section 14.56.070 to authorize the Director of Parks and Recreation to supervise installation and maintenance of art work on City owned property outside of street right-of-way; amending Section 14.56.090 to move the authority to suspend or revoke a license agreement from the City Council to the

Mayor; amending Section 14.56.100 to change insurance requirements; amending Section 14.56.110 to change the length of license agreements; amending Section 14.56.120 to change the application fee; adding a new section numbered 14.56.130 to require the Mayor to develop one or more master plans for art work on City owned property; adding a new section numbered 14.56.140 to call for approval of public art master plans by the City Council; adding a new section numbered 14.56.150 to provide for review of master plans; and repealing Sections 14.56.030, 14.56.040, 14.56.050, 14.56.070, 14.56.090, 14.56.100, 14.56.110, and 14.56.120 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 11026 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY ADDING A NEW SECTION NUMBERED 27.03.225 TO ADD THE DEFINITION OF "FARM WINERY"; AMENDING SECTION 27.07.040 TO ALLOW FARM WINERIES AS A PERMITTED SPECIAL USE IN THE AG AGRICULTURE DISTRICT; AMENDING SECTION 27.63.680 TO ALLOW A FARM WINERY OPERATING UNDER A PERMITTED SPECIAL USE TO BE LOCATED WITHIN 100 FEET OF A RESIDENTIAL DISTRICT; AMENDING SECTION 27.63.685 TO PROVIDE THAT A SPECIAL PERMIT OR AMENDMENT THERETO SHALL NOT BE REQUIRED FOR INTERIOR EXPANSIONS OF AN EXISTING LICENSED FARM WINERY; AND ADDING A NEW SECTION NUMBERED 27.63.810 TO PROVIDE CONDITIONS FOR GRANTING A SPECIAL PERMIT TO ALLOW A FARM WINERY IN THE AG AGRICULTURE DISTRICT - Clerk read an ordinance, introduced by Adam Hornung, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by adding a new section numbered 27.03.225 to add the definition of "farm winery"; amending Section 27.07.040 to allow farm wineries as permitted special use in the AG Agriculture District; amending Section 27.63.680 to allow a farm winery operating under a permitted special use to be located within 100 feet of a residential district; amending Section 27.63.685 to provide that a special permit or amendment thereto shall not be required for interior expansions of an existing licensed farm winery; adding a new section numbered 27.63.810 to provide conditions for granting a special permit to allow a farm winery in the AG Agriculture District; and repealing Sections 27.07.040, 27.63.680, and 27.63.685 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 11030 - APPLICATION OF BRAD ALDERMAN, DDS, FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON APPROXIMATELY 3.6 ACRES GENERALLY LOCATED AT WEST A STREET AND U.S. HIGHWAY 77 - Clerk read an ordinance, introduced by Adam Hornung, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the district established and shown thereon, the second time.

MISC. NO. 11004 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE, THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.060 TO PROVIDE THAT THE PLANNING DIRECTOR SHALL WITHIN TEN (10) DAYS FOLLOWING RECEIPT OF ALL REQUIRED CITY DEPARTMENT APPROVALS OR REPORTS NOTIFY THE SUBDIVIDER OF APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL OF A FINAL PLAT; AMENDING SECTION 26.19.010 TO ALLOW UTILITY PROVIDER RELEASE OF EASEMENT AND LIEN HOLDER CONSENT AND SUBORDINATION SIGNATURE BLOCKS AND ACKNOWLEDGMENTS TO BE ATTACHED TO FINAL PLATS ON SEPARATE 8 1/2" X 11" SHEETS; AND AMENDING SECTION 26.19.035 TO REVISE THE ADDITIONAL INFORMATION REQUIRED TO BE SUBMITTED WITH A FINAL PLAT - Clerk read an ordinance, introduced by Adam Hornung, amending Title 26 of the Lincoln Municipal Code, the Land Subdivision Ordinance by amending Section 26.11.060 to provide that the Planning Director shall within ten (10) days following receipt of all required city department approvals or reports notify the subdivider of approval, conditional approval or disapproval of a final plat; amending Section 26.19.010 to allow utility provider release of easement and lien holder consent and subordination signature blocks and acknowledgments to be attached to final plats on separate 8 1/2" x 11" sheets; amending Section 26.19.035 to revise the additional information required to be submitted with a final plat; and repealing Sections 26.11.060, 26.19.010, and 26.19.035 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE FOR AMBULANCE SERVICE - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-86501 WHEREAS, in accordance with Title 7 of the Lincoln Municipal Code, the City Council has authority to approve a schedule of maximum fees which the City may charge for ambulance service rendered by the City of Lincoln; and

WHEREAS, Lincoln Fire and Rescue has proposed such a schedule of maximum fees for comment and review by Lincoln/Lancaster County EMS Oversight Authority, Inc. ("Oversight Authority"), the City's emergency medical services oversight agency; and

WHEREAS, Oversight Authority has concluded the proposed maximum fees are reasonable; and

WHEREAS, the proposed rate schedule is before the City Council for its consideration and approval; and

WHEREAS, the City Council finds that the proposed rate schedule, based on the reasonable costs of providing ambulance service, represents reasonable maximum user fees to be charged for the provision of ambulance service by the City of Lincoln

NOW, THEREFORE, BE IT RESOLVED by the City Council, the proposed rate schedule attached hereto, marked as Attachment "A", and made a part hereof by reference, is hereby approved and shall take effect September 1, 2011.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge; NAYS: Camp, Hornung.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND LANCASTER COUNTY ON BEHALF OF THE LANCASTER COUNTY CORRECTIONS COMMUNITY SERVICE PROGRAM TO CONDUCT ROADSIDE LITTER PICKUP ALONG COUNTY ROADS BY INMATES - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86502 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and Lancaster County on behalf of Lancaster County Corrections Community Service Program to conduct roadside litter pickup along county roads by inmates for a term of April 15, 2011 to November 30, 2011, upon the terms and conditions set out in the Agreement which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit an executed copy of the Agreement to Judy Halstead, Director of the Lincoln-Lancaster County Health Department, and to the Clerk of Lancaster County.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR CONSTRUCTION OF TURN LANES ON HOLDREGE STREET AT 95TH STREET - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86503 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and Lancaster County for the construction of turn lanes on Holdrege Street at 95th Street required as part of the Waterford Estates development, upon the terms and conditions set out in the Agreement which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit an executed copy of the Agreement to Randy Hoskins, Assistant City Engineer, and to the Clerk of Lancaster County.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

SPECIAL PERMIT 1174H - APPLICATION OF CHATEAU DEVELOPMENT LLC TO EXPAND THE BOUNDARY OF THE EXISTING CHATEAU COMMUNITY UNIT PLAN TO ADD APPROXIMATELY 1.41 ACRES OF R-2 ZONED PROPERTY TO THE NORTH AND TO ADD EIGHT UNITS TO THE EXISTING TOTAL OF 1,294 APPROVED DWELLING UNITS ON PROPERTY GENERALLY LOCATED SOUTH OF NORTH 63RD STREET AND HOLDREGE STREET - PRIOR to reading:

EMERY Moved MTA #1 to amend Bill No. 11R-220 in the following manner:

1. On page 3, after line 11, add the following language:
ix. Remove the proposed new drive/access to N. 63rd Street.
2. On page 3, line 24, add the following language:
Permittee represents and agrees that the architectural style and color scheme of the new dwelling units will be similar to the existing structure at 1025 N. 63rd Street, Building H. At such time as the existing building at 1200 Berkshire Ct. is repainted. Permittee agrees to change the color scheme to one similar to the existing structure at 1025 N. 63rd Street, Building H.

Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

CLERK Read the following resolution, introduced by Adam Hornung, who moved its adoption as amended:

A-86504 WHEREAS, Chateau Development, LLC, has submitted an application designated as Special Permit No. 1174H for authority to expand the boundary of the existing Chateau Community Unit Plan to add approximately 1.41 acres of R-2 zoned property to the north and to add eight units to the existing total of 1,294 approved dwelling units on property generally located south of North 63rd Street and Holdrege Street, and legally described as:

Lots 1-5, Chateau First Addition, and Lot 116 Irregular Tract, located in the Northwest Quarter of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application and adopted Resolution No. PC-01246 conditionally approving the same; and

WHEREAS, concerned residents have filed a Notice of Appeal appealing the action of the Planning Commission approving Special Permit No. 1174H and in particular the addition of a third entrance and exit on 63rd Street; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this excavation will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Chateau Development, LLC, hereinafter referred to as "Permittee", to amend the Chateau Community Unit Plan to add approximately 1.41 acres of R-2 zoned property to the north and adding 8 units to the total approved dwelling units, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said community unit plan be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the expansion of the Community Unit Plan to include 1.41 acres to the north (Lot 116 I.T.), increases the total number of approved dwelling units from 1,294 to 1,302 units and allows the Permittee to build 36 multi-family units on the added property.

2. Before receiving building permits:

- a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including 5 copies with all required revisions as listed below:
 - i. Add street names that are used in this complex to the drawing to aid in identifying locations within the complex.
 - ii. Provide a landscape buffer of at least 15 feet to the single-family residence to the north. Provide additional screening through either moving the garages to the east or, if used for surface parking, then the area must be at least three feet below the highest grade of the property to the north.
 - iii. Remove the building envelope from within the utility easement.
 - iv. Relocate the utility easement to the satisfaction of Public Works & Utilities.
 - v. Revise the plan to show future drive to the west.
 - vi. Provide a grading plan to the satisfaction of Public Works Department to show drainage from the proposed addition through Berkshire Court.
 - vii. Revise the Utility Plan to the satisfaction of the Fire Department.
 - viii. Remove Notes 5, 6, 14 and 17 from the General Notes.
 - ix. Remove the proposed new drive/access to N. 63rd Street.
- b. Grant an access easement if reciprocated by an access easement to Holdrege Street by the development to the west.

- c. Provide verification to the Planning Department from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - d. Provide verification to the Planning Department that the required easements as shown on the site plan have been recorded with the Register of Deeds.
 - e. The construction plans must substantially comply with the approved plans.
3. Before occupying the new dwelling units all development and construction must substantially comply with the approved plans. Permittee represents and agrees that the architectural style and color scheme of the new dwelling units will be similar to the existing structure at 1025 N. 63rd Street, Building H. At such time as the existing building at 1200 Berkshire Ct. is repainted, Permittee agrees to change the color scheme to one similar to the existing structure at 1025 N. 63rd Street, Building H.
4. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
6. The Permittee must annually certify that all occupied dwelling units for elderly housing are occupied by individuals meeting the requirements for elderly or retirement housing.
7. The terms, conditions, and requirements of this resolution shall run with the land and shall bind and obligate the Permittee, its successors and assigns.
8. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
9. The site plan as approved with this resolution voids and supersedes all previously approved site plans; however the terms, conditions and requirements of all resolutions/ordinances approving previous permits shall remain in force except as specifically amended by this resolution.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2011 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86505

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated September 1, 2011, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Travelers Insurance	\$710.22	April Leach-Sanna	\$15,000.00
(Claim #077 AD HJT1050 H)		BlueCross BlueShield of Nebraska	
		(Claim #YED807070603)	1,317.26
		Farmers Insurance Group	
		(Claim #1017846414)	4,371.87
		R.D. Hinkley & Associates	238.03

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

AUTHORIZING AND SUPPORTING THE CITY OF LINCOLN'S APPLICATION TO THE STATE OF NEBRASKA GAME AND PARKS COMMISSION FOR FINANCIAL ASSISTANCE FROM THE RECREATIONAL TRAILS PROGRAM FOR REPLACING A PORTION OF THE HIKER/BIKER TRAIL IN PIONEERS PARK FROM THE EAST ENTRANCE OF THE PARK AT CODDINGTON AVE. TO THE NORTH ROAD IN THE PARK NEAR THE SLED RUN - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-86506 WHEREAS, the City of Lincoln through its Parks and Recreation Department intends to apply to the State of Nebraska Game and Parks Commission for financial assistance from the Recreational Trails Program for the purpose of restoration of the hiker/biker trail in Pioneers Park; and

WHEREAS, the project includes replacing the existing asphalt trail with concrete along the portion of trail from the east entrance of the park at Coddington Avenue to the north road in the park near the sled run; and

WHEREAS, the total estimated cost of the project is \$200,000, with \$50,000 identified in the CIP budget with funds coming from impact fees and \$150,000 being provided by the Recreational Trails Program grant; and

WHEREAS, the City of Lincoln has available a minimum of 25% of the project cost and has the financial capability to operate and maintain the completed facility in a safe and attractive manner for public use; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of operation and maintenance of the trail in a safe and attractive manner for the public.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the State of Nebraska Game and Parks Commission for financial assistance from the Recreational Trails Program for the purpose of constructing the project described above and its commitment to the on-going maintenance of the trail.

The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for inclusion with the application to the State of Nebraska Game and Parks Department.

Introduced by Adam Hornung

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

CREATING AND ORDERING CONSTRUCTION OF SIDEWALK IMPROVEMENT DISTRICT NO. 96 IN VARIOUS LOCATIONS WITHIN THE CITY AND ASSESSING THE COST AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Jon Camp, creating and ordering construction of Sidewalk Improvement District No. 96, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefitted and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

AMENDING CHAPTER 8.46 OF THE LINCOLN MUNICIPAL CODE RELATING TO WEED ABATEMENT BY ADDING A NEW SECTION NUMBERED 8.46.005 TO PROVIDE DEFINITIONS FOR CERTAIN WORDS AND PHRASES USED IN THIS CHAPTER; ADDING A NEW SECTION NUMBERED 8.46.015 TO DESIGNATE THE LANCASTER COUNTY WEED CONTROL AUTHORITY AS THE AGENCY TO PROVIDE, EXECUTE AND OPERATE A WEED CONTROL PROGRAM FOR AND ON BEHALF OF THE CITY; REPEALING SECTION 8.46.020, CITY MAY CAUSE REMOVAL OF WEEDS; ADDING A NEW SECTION NUMBERED 8.46.022, NOTICE OF WEED CONTROL ACTIVITIES, TO PROVIDE PROCEDURES FOR PROVIDING NOTICE OF CONTROL ACTIVITY; ADDING A NEW SECTION NUMBERED 8.46.024, COLLECTION OF COSTS, TO PROVIDE FOR A NOTICE OF POTENTIAL LIEN TO BE RECORDED IN REAL ESTATE RECORDS; ADDING A NEW SECTION NUMBERED 8.46.026, SERVICE OF NOTICE, MODIFY THE METHOD OF SERVICE OF NOTICES ISSUED PURSUANT TO THIS CHAPTER; ADDING A NEW SECTION NUMBERED 8.46.028, LIENS & COLLECTIONS, TO PROVIDE A PROCEDURE FOR COLLECTION OF COSTS AND RELEASE OF LIENS; AMENDING SECTION 8.46.030 TO PROVIDE THAT THE WEED CONTROL AUTHORITY REPORT WEED ASSESSMENT COSTS TO THE CITY COUNCIL; AMENDING SECTION 8.46.040 TO DESIGNATE THE WEED CONTROL AUTHORITY AS THE CITY'S AGENT FOR WEED ASSESSMENT COLLECTIONS; AND ADDING A NEW SECTION NUMBERED 8.46.045 TO PROVIDE FOR APPEALS - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.46 of the Lincoln Municipal Code relating to Weed Abatement by adding a new section numbered 8.46.005 to provide definitions for certain words and phrases used in this chapter; adding a new section numbered 8.46.015 to designate the Lancaster County Weed Control Authority as the agency to provide, execute and operate a weed control program for and on behalf of the City; repealing Section 8.46.020, City May Cause Removal of Weeds; adding a new section

numbered 8.46.022, Notice of Weed Control Activities, to provide procedures for providing notice of control activity; adding a new section numbered 8.46.024, Collection of Costs, to provide for a notice of potential lien to be recorded in real estate records; adding a new section numbered 8.46.026, Service of Notice, to modify the method of service of notices issued pursuant to this chapter; adding a new section numbered 8.46.028, Liens & Collections, to provide a procedure for collection of costs and release of liens; amending Section 8.46.030 to provide that the Weed Control Authority report weed assessment costs to the City Council; amending Section 8.46.040 to designate the Weed Control Authority as the City's agent for weed assessment collections; adding a new section numbered 8.46.045 to provide for appeals; and repealing Sections 8.46.030 and 8.46.040 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, BY AMENDING SECTIONS 2.62.045, 2.65.045, AND 2.66.045 RELATING TO THE OPERATION OF THE DEFERRED RETIREMENT OPTION PLAN (DROP) TO PROVIDE THAT FIRE FIGHTER MEMBERS SHALL RECEIVE A 13TH CHECK DURING DROP PARTICIPATION; AND AMENDING SECTIONS 2.62.140, 2.65.140, AND 2.66.107 RELATING TO COST OF LIVING ADJUSTMENTS TO PROVIDE THAT FIRE FIGHTERS' \$15,000 CREDIT TOWARD THE PURCHASE OF A COST-OF-LIVING ADJUSTMENT BE REDUCED BY THE SUM OF 13TH CHECK PAYMENTS RECEIVED AS A DROP PARTICIPANT - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code relating to the Police and Fire Pension Plans A, B and C, respectively, by amending Sections 2.62.045, 2.65.045, and 2.66.045 relating to the operation of the Deferred Retirement Option Plan (DROP) to provide that Fire Fighter members shall receive a 13th check during DROP participation; amending Sections 2.62.140, 2.65.140, and 2.66.107 relating to Cost of Living Adjustments to provide that Fire Fighters' \$15,000 credit toward the purchase of a cost-of-living adjustment be reduced by the sum of 13th check payments received as a DROP participant; and repealing Sections 2.62.045, 2.62.140, 2.65.045, 2.65.140, 2.66.045, and 2.66.107 of th Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hornung; NAYS: Camp.

The ordinance, being numbered **#19615**, is recorded in Ordinance Book #27, Page .

AMENDING SECTIONS 2.62.090, 2.65.090, AND 2.66.085 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE REVIEW PERIOD FOR DISABILITY RETIREMENT BENEFITS FOR THE POLICE AND FIRE PENSION PLANS A, B AND C, RESPECTIVELY, FROM THREE TO FIVE YEARS, THE FIRST TIME - CLERK read an ordinance, introduced by Carl Eskridge, amending Sections 2.62.090, 2.65.090, and 2.66.085 of the Lincoln Municipal Code to increase the review period for Disability Retirement Benefits for the Police and Fire Pension Plans A, B and C, respectively, from three to five years; and repealing Sections 2.62.090, 2.65.090, and 2.66.085 of the Lincoln Municipal code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

The ordinance, being numbered **#19616**, is recorded in Ordinance Book #27, Page .

AMENDING SECTION 4.62.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD TO PROVIDE STAGGERED TERMS FOR MEMBERS ELECTED BY THE POLICE AND FIRE DEPARTMENTS - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 4.62.010 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan Investment Board to provide staggered terms for members elected by the Police and Fire departments; and repealing Section 4.62.010 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

The ordinance, being numbered **#19617**, is recorded in Ordinance Book #27, Page .

AMENDING SECTION 4.64.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO DISABILITY PENSION APPLICATIONS; PROCEDURE AND APPEAL TO ALLOW EXAMS TO INCLUDE THOSE PERFORMED BY MEDICAL PROFESSIONALS OTHER THAN PHYSICIANS OR PSYCHIATRISTS - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 4.64.020 of the Lincoln

Municipal Code relating to Disability Pension Applications; Procedure and Appeal to allow exams to include those performed by medical professionals other than physicians or psychiatrists; and repealing Section 4.64.020 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

The ordinance, being numbered #19618, is recorded in Ordinance Book #27, Page .

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE RELATING TO SICK LEAVE WITH PAY TO PROVIDE THAT UNREPRESENTED "M" EMPLOYEES COINCIDE WITH "M" LABOR CONTRACT CHANGES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF AUGUST 18, 2011 -

COOK Moved MTA #1 to amend Bill No. 11-135 in the following manner:

1. On page 1, line 9, strike (h) and insert in lieu thereof "(i)".

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

CLERK Read an ordinance, introduced by Carl Eskridge, amending Section 2.76.380 of the Lincoln Municipal Code relating to Sick Leave with Pay to provide that unrepresented "M" employees coincide with "M" Labor Contract changes and making the changes retroactively effective as of August 18, 2011; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as amended.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge; NAYS: Hornung.

The ordinance, being numbered #19619, is recorded in Ordinance Book #27, Page .

AMENDING SECTION 2.78.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANAGEMENT COMPENSATION PLAN ANNUAL LEAVE TO CLARIFY WHEN NEW VACATION HOURS GO INTO EFFECT EACH YEAR FOR "M" EMPLOYEES NOT REPRESENTED BY LABOR CONTRACT AND DIRECTORS, THE FIRST TIME - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 2.78.020 of the Lincoln Municipal Code relating to Management Compensation Plan Annual Leave to clarify when new vacation hours go into effect each year for "M" employees not represented by Labor Contract and Directors; and repealing Section 2.78.020 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as amended.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

The ordinance, being numbered #19620, is recorded in Ordinance Book #27, Page .

AMENDING SECTION 2.78.027 OF THE LINCOLN MUNICIPAL CODE RELATING TO MANAGEMENT COMPENSATION PLAN LONGEVITY PAY TO PROVIDE THAT UNREPRESENTED "M" EMPLOYEES COINCIDE WITH "M" LABOR CONTRACT CHANGES AND MAKING THE CHANGES RETROACTIVELY EFFECTIVE AS OF AUGUST 18, 2011 - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 2.78.027 of the Lincoln Municipal Code relating to Management Compensation Plan Longevity Pay to Provide that unrepresented "M" employees coincide with "M" Labor Contract changes and making the changes retroactively effective as of August 18, 2011; and repealing Section 2.78.027 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge; NAYS: Camp, Hornung.

The ordinance, being numbered #19621, is recorded in Ordinance Book #27, Page .

CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA GENERALLY LOCATED ALONG HAVELOCK AVENUE FROM CORNHUSKER HIGHWAY ON THE WEST TO 64TH STREET ON THE EAST AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT - CLERK read an ordinance, introduced by Carl Eskridge, creating a business improvement district under the authority of the Business Improvement District Act (Neb.Rev.Stat. § 19-4015 et seq.) to be known as the Havelock Business Improvement District for the purpose of providing specified maintenance, repair and reconstruction of certain public facilities and improvements within the area of Havelock Avenue from Cornhusker Highway on the

west to 64th Street on the east; providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the third time.

ESKRIDGE Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.
The ordinance, being numbered #19622, is recorded in Ordinance Book #27, Page .

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING LIST DATE CERTAIN -

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR A COMBINED WEED CONTROL PROGRAM TO PROVIDE FOR ABATEMENT AND CONTROL OF NOXIOUS WEEDS, COMMON WEEDS AND WORTHLESS VEGETATION WITHIN THE LIMITS OF THE CITY. (9/12/11 - Placed on Pending to have Public Hearing & Action on 10/3/11) (Request to have Public Hearing on 9/26 with Action on 10/3/11) - PRIOR to reading:

COOK Moved to have P.H. on Bill No. 11R-224 on September 26, 2011 with Action on October 3, 2011.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

PENDING -

CAMP Moved to extend the Pending List to September 26, 2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

UPCOMING RESOLUTIONS

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATIONS OF "LIBRARY SERVICE ASSOCIATE", "LIBRARY SERVICE SUPERVISOR", "LIBRARIAN", "LIBRARY MANAGER", AND "LIBRARY COORDINATOR." (6/6/11 - Public Hearing delayed 2 weeks to 6/20/11) (6/13/11 - Indefinite Pending) (Request to remove from Pending for Public Hearing on 9/26/11, 3rd Reading with Action on 10/3/11) - PRIOR to reading:

HORNUNG Moved to have Bill No. 11-69 removed from Pending to have P.H. on 9/26/11, 3rd Reading w/Action on 10/3/11.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

CAMP Moved to approve the remainder of the resolutions to have Public Hearing on September 26, 2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

ADJOURNMENT 4:42 P.M.

CAMP Moved to adjourn the City Council meeting of September 19, 2011.
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
September 19, 2011
Page 498